

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 18, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-19691 - APPLICANT/OWNER: JAMES L. POLLINS

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. R-4 zoning is hereby approved.

Public Works

2. Sign a Covenant Running with Land agreement for the possible future installation of half-street improvements (including curb and gutter, sidewalks, streetlighting, permanent paving and possibly fire hydrants) on Monroe Avenue adjacent to this site. The Covenant agreement must be recorded with the County Recorder and a copy of the recorded document must be provided to the City.
3. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for the proposed use of this facility.
4. Upon development/redevelopment of the property, appropriate street improvements, drainage mitigation and traffic mitigation commitments may be required.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Rezoning from C-2 (General Commercial) to R-4 (High Density Residential) at 204 West Monroe Avenue, the site of an existing four-plex residential structure.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/01/03	The City Council approved a General Plan Amendment (GPA-2497) to Amend the City of Las Vegas Downtown Development Plan Map (Map 9) of the Las Vegas Redevelopment Plan from Industrial to Commercial and from Industrial to Mixed Use for properties bounded by Charleston Boulevard to the north, Third Street to the east, Commerce Street to the west and Colorado Street to the south. The subject site was amended from a general plan designation of M (Industrial) to MXU (Mixed Use) as a result of this action. Planning Commission and Staff recommended approval.
03/22/07	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #8/rl).
<i>Related Building Permits/Business Licenses</i>	
09/19/05	Building Permit under plan check number L-1702-05 issued to Just Properties to rewire the existing four-plex on the subject site.
06/07/06	Building Permit under plan check number L-1702-05 issued to Just Properties to renovate the existing four-plex on the subject site

<i>Pre-Application Meeting</i>	
01/26/07	A pre-application meeting was held to discuss the requirements for requesting a zone change from C-2 (General Commercial) to R-4 (High Density residential).

<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this application, nor was one held.	

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.16

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
North	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
South	Single Family Residential	MXU (Mixed Use)	R-3 (Medium Density Residential)
East	Single Family Residential	MXU (Mixed Use)	C-2 (General Commercial)
West	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Airport Overlay District	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

This application is a request to bring a non-conforming use into compliance with the Title 19 zoning ordinance. The property is located with the Redevelopment Plan area and the West Las Vegas plan, and by creating conformity between the zoning and land use, the request is supportive of these area plans. Further, while the subject site is located within the Airport Overlay district, the two-story residential structure is well below the height buffer limits.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	6,500 Square Feet	6,900 SF	Y
Min. Lot Width	NA	50 Feet	Y
Min. Setbacks			
• Front	20 Feet	20 Feet	Y
• Side	5 Feet	8 Feet	Y
• Corner	NA	NA	NA
• Rear	20 Feet	7 Feet	N*

Min. Distance Between Buildings	10 Feet	5.75 Feet	N*
Max. Lot Coverage	NA	35.2%	Y
Max. Building Height	2 Stories/35 Feet	1 Story	Y

*Because no building addition is proposed as part of this request, the non-conforming setback and building separation can continue.

<i>Existing Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
C-2 (General Commercial)	0 Units Per Acre	0 units
<i>Proposed Zoning</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
R-3 (Medium Density Residential)	25 Units Per Acre	4 units
<i>General Plan</i>	<i>Permitted Density</i>	<i>Units Allowed</i>
MXU	25 Units Per Acre	4 units

ANALYSIS

The applicant is seeking a rezoning from C-2 (General Commercial) to R-4 (High Density Residential), which allows for up to 50 units per acre. The subject site is an existing four-plex originally constructed in 1956 on a 0.16 acre lot. This four-plex is a non-conforming use in the existing C-2 (General Commercial) zone, but is a permitted use in the proposed R-4 (High Density Residential) zone.

The reason for this request, as stated in the applicant's justification letter, is that with the non-conforming use in the C-2 (General Commercial) zone, the applicant is unable to finance, refinance or otherwise improve the condition of his property despite the fact that the four-plex is the "highest and best use" of the subject site. Several building permits have been issued for site improvements over the last five years, and in order to continue allowing the owner of this site to best maintain the property, staff recommends approval of this request.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The proposed Rezoning from C-2 (General Commercial) to R-4 (High Density Residential) is consistent with the land use designation of MXU and the West Las Vegas Plan goal of preserving the character of existing neighborhoods.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

As the proposed Rezoning is intended to preserve the existing uses on the site, granting this request will ensure continued compatibility with the surrounding land uses and zoning districts.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

This property had previously been rezoned in order to allow the assemblage of surrounding parcels for Mixed Use redevelopment. As the subject site was not assembled in the redevelopment of surrounding parcels, growth and development factors indicate the need to preserve the existing use on this site. Therefore, the proposed Rezoning is appropriate as it will bring the non-conforming use into compliance.

4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Monroe Avenue, a local street, is and will continue to be adequate to meet the needs of the existing use on the subject site.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 12

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 145 by Planning Department

APPROVALS 0

PROTESTS 0